



## Definitions Continued

**Disposition** - The decision that the juvenile court reaches concerning a child's delinquency case:

- **Dismissal** - Releasing the child and ending the case.
- **Informal Probation** - Placing the child on voluntary probation under the juvenile office's supervision. Successful completion of the informal probation period may result in complete dismissal of the charges without any finding that the child was delinquent.
- **Formal Probation** - Where a child is found to have committed a delinquent offense, and the child is placed under court-ordered supervision.
- **Placement** - Removing from the home a child who is found to have committed an offense, and placing the child elsewhere to receive services.
- **Other** - A child found to have committed an offense may be given a disposition other than commitment or probation. (*These other dispositions may include participation in a drug treatment program, payment of restitution, and performance of community service.*)

**Dispositional Hearing** - After adjudication, the hearing at which the judge reaches a decision concerning necessary treatment, services and placement in the child's best interest.

**Diversion** - Placing the child into a public or private treatment program as an alternative to formal prosecution.

**Formal Probation** - Where a child is found to have committed an offense, placing the child under court-ordered supervision.

**Formal Processing** - Cases that appear on the official court calendar.

**Hearing** - A court proceeding to decide on a course of action, or to determine a child's involvement or non-involvement in an offense. The order of the hearings in juvenile proceedings are: (1) detention hearing, (2) adjudicatory hearing, and (3) dispositional hearing.

**Informal Adjustment** - A voluntary conference at which the juvenile is warned not to have any further violations. Informal adjustments are used for minor offenses instead of taking the child to court. The informal adjustment may result in diversion, as defined above.

**Informal Probation** - Placing the child on probation under the juvenile office's supervision. Successful completion of the informal probation period may result in a complete dismissal of the charges without any finding that the child was delinquent.

**Jurisdiction** - The extent or range of authority of the court or law enforcement.



## Definitions Continued

**Juvenile Court** - A court with authority over cases involving children under the age of seventeen. As discussed in this brochure's introduction, some of Missouri's larger metropolitan areas have a family court rather than a juvenile court, and the family court hears and decides delinquency cases.

**Petition** - A legal paper, filed by a state authority, that says what your child is accused of having done. In adult court, these are called the charges or an indictment.

**Pre-Disposition** - The period after the filing of a petition alleging the juvenile committed a delinquency offense but before the hearing.

**Pre-Disposition Investigation** - The investigation into the child's background and character after the court decides that the child has committed a delinquent offense. The investigation collects information that will help the court determine the most appropriate disposition.

**Referral** - A complaint or report that law enforcement, a school, or a citizen files with the juvenile court alleging a violation of the law.

**Recidivism** - The act of committing another delinquent act.

**Remand** - To send an accused person back into custody to await further proceedings.

**Restitution** - Court-ordered payments made to the victim by the child or child's parents for losses. The child's amount must be reasonable according to the child's ability to pay.

**Status Offense** - Behavior that is considered an offense only if committed by a child under seventeen. Status offenses are handled only by the juvenile court. Missouri law recognizes only five status offenses: (1) truancy, (2) beyond parental control, (3) running away from home, (4) maintaining behavior or associations that are harmful to a child, and (5) offenses that are not classified as criminal or that apply only to children, e.g., underage drinking, curfew.

**Subpoena** - An order for a person or organization to testify before the court.

**Summons** - A written document announcing to a person that a legal proceeding has been brought against the person. A summons ordinarily accompanies the petition.

**Valid Court Order (VCO)** - An order concerning the child, issued by a juvenile court judge. For example, a juvenile court hearing might result in a young person receiving a valid court order to receive counselling.



## Resources

For information about your case, you must contact your lawyer or juvenile office.

For more general information on juvenile justice:

Missouri Juvenile Justice Association  
[www.mija.org](http://www.mija.org)  
 click on FAQs link

If you need help finding a lawyer

Missouri Bar Lawyer Referral Service  
[www.mobar.org/lrs/clients.htm](http://www.mobar.org/lrs/clients.htm)  
 Phone: 573-636-3635.

For more information on one of the following child placement agencies

Department of Social Services  
<http://dss.mo.gov>

Department of Social Services, Division of Youth Services  
<http://dss.mo.gov/dys/>

Department of Mental Health  
<http://dmh.mo.gov>

For more information about detention centers and standards

Missouri Juvenile Detention Standards  
<http://www.mija.org/default.asp?c=02&sc=01>



The juvenile justice process can be confusing for anyone. Families with children in Missouri's juvenile justice system may need information to help guide them and assure the best outcomes possible. This brochure provides basic information about various court proceedings to children and their parents, grandparents, foster parents, guardians, and other family members. In this brochure, all references to parents include legal guardians.

Every area of Missouri has a "juvenile court," except for a few larger metropolitan areas that have "family courts." (In this brochure, all references to the juvenile court include the family court.) The juvenile court or the family court hears "delinquency cases." These cases claim that the child committed a "delinquent act," that is, an act that would be a crime if committed by an adult.

You know your child better than anyone else, so you are in the best position to support your child in the juvenile justice system. The family's involvement is a critical part of any juvenile court decision. Treatment is most successful when the family participates in the child's supervision plan.

(Note: Using this guide is not the same as getting legal advice. If you have particular questions about your child's situation, you should speak with a lawyer.)



## The Jurisdiction Of The Juvenile/Family Court

In Missouri, the Juvenile Court (or in some places, the Family Court) hears all cases concerning delinquency, status offenses, child abuse and neglect, adoption, and guardianship. In delinquency, the juvenile or family court hears cases involving any child who was under 17 when the act was committed. Exceptions to this rule include traffic and tobacco offenses.



## Your Child's Rights When Taken Into Custody

If your child is under 17 and is charged with breaking the law, he or she may be taken into custody and turned over to the juvenile court.

### *Your child may be handcuffed to ensure the safety of all parties, including your child.*

Law enforcement officers may question your child. However, the Juvenile Officer or someone trained by the Juvenile Officer must inform your child of his or her rights before questioning may begin or before your child may give a written statement. Your child's rights include:

1. *He or she has the right to remain silent;*
2. *He or she has the right to a lawyer if they request one. A lawyer will be provided if the parents cannot afford one;*
3. *Whatever he or she says to the Juvenile Officer or Juvenile Division personnel may be used in later court proceedings;*
4. *Any statement to law enforcement, or to persons other than the Juvenile Officer or Juvenile Division personnel, may be used against your child if he or she is later prosecuted in criminal court as an adult;*
5. *He or she has the right to have a parent, guardian or custodian present during questioning; and*
6. *He or she has the right to stop talking at any time. If your child shows in any manner at any time that he or she does not wish to be questioned further, the questioning must stop.*

If your child is in custody for committing an offense that would be a felony if committed by an adult, your child will be photographed and fingerprinted; the juvenile court's consent is not required. If your child is taken into custody for a misdemeanor, the juvenile court judge will decide whether fingerprints and photographs will be taken.



## The Right To A Lawyer

As soon as your child is taken into custody or detained, your child has the right to a lawyer. The court must appoint a lawyer if requested to assure a fair hearing. When the parents appear before the court, the parents also have a right to a lawyer, if requested. The court will appoint a lawyer or lawyers if the parents cannot afford to pay.

You may choose not to have a lawyer; but you should be aware that a lawyer may help you reach a better outcome.



## Confidentiality

Juvenile Court records for delinquent offenses are closed to the public unless the child allegedly committed murder or another Class A Felony, or unless the child is transferred to the adult court. Your child's fingerprints and photographs will not be shown to the public.

Anything your child says to his or her lawyer is confidential, regardless of whether the lawyer is appointed by the court or hired by the family. The judge and court staff may not require the lawyer to reveal, or testify about, anything your child says to the lawyer.



## When Your Child Is Detained

If your child is taken into custody, he or she may be released to you or another responsible person unless important reasons exist for detention. Your child may be held in a detention facility for up to 24 hours without a court order (excluding Saturdays, Sundays and legal holidays). Or the court may order that your child be held in a detention facility for longer than 24 hours.

If the court orders detention, your child must be told the reason, and must also be told about his or her right to a hearing and his or her rights during detention. Parents must be notified of their child's detention as soon as possible. Generally, reasons for detention for delinquent acts may include that the child:

1. Has failed to appear at juvenile court proceedings;
2. Has a history of violent behavior which resulted in physical injury to self or others; or
3. Has left a prior court-ordered placement without permission.



## Advice For When Your Child Goes To Court

- Dress neatly. Males should wear clean slacks (no jeans) that cover their buttocks and a clean shirt with collar and sleeves. Females should wear a dress or pants that cover cleavage, midsection and buttocks. The child and family members should not wear hats unless it is a religious requirement. No gang affiliations should be displayed.
- Respect court staff and the judge. Address the judge as "Your Honor" and all others as "sir" and "ma'am." Speak clearly and loudly so that the judge and other court staff can hear.
- Listen carefully: Listening carefully is in your child's best interest because this is your child's case. If your child does not understand something, ask the lawyer or the judge to explain it.
- Your child does not have to testify in court. The lawyer will help your child decide whether to testify.
- Before testifying in court, your child should work with the lawyer to prepare for what will happen in court.

Involvement in a juvenile court proceeding can be a new experience for children and their parents, who may be unfamiliar with the terms below. These definitions help understanding, but children and parents should ask their lawyer or the court for explanations where necessary.



## Definitions

**Adjudicate** - To settle or decide a case in court with the judge.

**Adjudication or Adjudicatory Hearing** - This is similar to a trial in the adult system. The juvenile court judge hears witnesses, receives evidence, and decides whether the child committed the offense for which he or she is charged. (The juvenile and family courts do not have juries.) If the judge finds that your child committed a delinquent act, the judge also decides whether he or she needs treatment, rehabilitation, or supervision.

**Admission** - When the child tells the court that he or she committed the offense charged. This is called a guilty plea in the adult system.

**Allegations** - A charge or claim made against someone for an act that they supposedly committed.

**Alternatives to Detention** - Services in the community that a child receives instead of placement in a secure detention facility.

**Certification** - The juvenile court may transfer to adult court the case of a child between 12 and 17 who is charged with committing an offense that would be a felony if committed by an adult. The juvenile court may also transfer to adult court the case of a child of any age who is charged with committing an extremely serious felony or a child who has committed two or more prior unrelated offenses that would have been felonies if committed by an adult.

**Commitment** - A judge's order that a child be placed in confinement or a residential program.

**Delinquent Offense** - An act committed by a child that would be a crime if committed by an adult, e.g., assault, burglary, possession of illegal drugs.

**Detention** - Temporary confinement of a child who allegedly committed a delinquent act; the confinement continues until pre-hearing release, juvenile court proceedings, or disposition.

**Detention Hearing** - The hearing to determine whether there is good reason to detain the child until the adjudicatory hearing.



## Differences In Terms

Juvenile Court Term	Adult Court Term
Delinquent	Criminal
Take into custody	Arrest
Petition	Complaint; Charge
Summons	Warrant
Initial hearing	Arraignment
Held in detention	Jailed
Hearing	Trial
Adjudication	Conviction
Disposition	Sentencing
Placement	Imprisoned
Aftercare/Supervision	Parole